

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

KENNETH W. BENZO,

Case No. 14-CV-4138 (MJD/SER)

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA,

Respondent.

The above-captioned case comes before the undersigned on the Report and Recommendation [Doc. #4] of United States Magistrate Judge Steven E. Rau. No objections to the Report and Recommendation were filed within the requisite time period. Accordingly, **IT IS HEREBY ORDERED** that:

1. This action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.
2. Petitioner Kenneth W. Benzo's application to proceed *in forma pauperis* [Doc. #2] be DENIED AS MOOT.

Dated: January 6, 2015

s/Michael J. Davis
Michael J. Davis
Chief U.S. District Judge